

REMARKS

The following remarks are responsive to the Office Action of May 18, 2007.

In the May 18, 2007 Office Action, claims 1, 2 and 5 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2004/0119876 to Ohmori et al. (hereinafter “Ohmori”). In addition, claim 1 was also rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2004/0201699 to Parulski et al. (hereinafter “Parulski”). Claims 2 and 5 were also rejected under 35 U.S.C. §103(a) as obvious over Parulski in view of U.S. Patent Application Publication No. 2003/0117514 to Weintroub et al. (hereinafter “Weintroub”). Claims 3 and 4 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form.

Claim 1 has been canceled without prejudice or disclaimer, and claim 2 has been rewritten in independent form including the features of claim 1. In accordance with the Examiner’s helpful suggestion, claim 3 has been rewritten in independent form including the features of claims 1 and 2. Claims 4 and 5 remain as originally filed.

It is respectfully submitted that claim 3 is now allowable. Moreover, inasmuch as claim 4 depends from claim 3, and therefore recites the same allowable combination of features as well as reciting additional patentably distinguishing features, it is respectfully submitted that claim 4 is also allowable.

With regard to the rejections of independent claims 1, 2 and 5 as allegedly being anticipated by Ohmori, an English language translation of Korean Patent Application No. 2003-8141, i.e., the document upon which the present application claims the benefit of priority, is attached. The translation and the accompanying statement of accuracy are respectfully submitted according to 37 CFR 1.55(a)(4) and MPEP § 201.15 to perfect the priority claim of the present application and antedate the effective U.S. filing date of Ohmori. Accordingly, Ohmori no longer qualifies as prior art under 35 U.S.C. §102(e), and it is respectfully submitted that the rejections under 35 U.S.C. § 102(e) based on Ohmori should be withdrawn.

Independent claims 2 and 5 each stand rejected under 35 U.S.C. §103(a) as obvious over Parulski in view of Weintroub. These rejections are respectfully traversed in view of the following comments.

Claim 2 recites a method of monitoring a digital camera including, *inter alia*, determining whether an amount of exposure is inappropriate and whether shakiness is present during the photographing including “calculating a lower limit value of a compressed file size wherein the lower limit value of the compressed file size corresponds to a focus value of the object at a compression rate and a resolution set by the user.” Similarly, claims 5 recites a means for determining whether the amount of exposure is inappropriate and whether shakiness is present during the photographing of an object with a digital camera, including “a means for calculating a lower limit value of a compressed file size wherein the lower limit value of the compressed file size corresponds to a focus value of the object at a compression rate and a resolution set by a user.” Support for these combinations of features may be found in Applicants’ specification as originally filed at, for example, page 7, line 28, to page 8, line 12.

As discussed in MPEP § 2143.03, in order to establish a *prima facie* case of obviousness, the prior art references (or references when combined) must, among other things, teach or suggest all of the claim limitations. See In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” See In re Wilson, 424 F.2d 1382, 1385; 165 USPQ 494, 496 (CCPA 1970).

It is respectfully submitted that Parulski and Weintroub, whether considered individually or in combination, fail to teach or suggest all of the features that are recited in claims 2 and 5. For example, neither Parulski and Weintroub teach or suggest a lower limit value of the compressed file size corresponds to a focus value of the object at a compression rate and a resolution set by a user.

As acknowledged in the Office Action, Parulski fails to disclose, among other features, calculating a lower limit of a compressed file size wherein the lower limit value of the compressed file size corresponds to a focus value of the object at a compression rate and a resolution set by the user. To allegedly overcome the deficiencies of Parulski, the Office Action asserts that Weintroub suggests modifying Parulski at least to calculate a lower limit value of a compressed file size wherein the lower limit value of the compressed file size corresponds to a focus value of the object at a compression rate and a resolution set by the user. This assertion is respectfully traversed. In particular, Weintroub is completely silent with respect to recognizing a relationship between the size of a compressed file of a photographic image and the compression rate and resolution set by a user, and fails to teach

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or suggest taking into account the compression rate and resolution that are set by a user when calculating a lower limit value of a compressed file size.

For at least any of the above reasons, it is respectfully submitted that Parulski and Weintroub fail to teach or suggest the combination of features recited in independent claims 2 and 5. Accordingly, it is respectfully submitted that the rejections under 35 U.S.C. § 103(a) of independent claims 2 and 5 should be withdrawn, and that these claims are allowable over Parulski and Weintroub.

Conclusion

In view of the foregoing, reconsideration and allowance of all pending claims is respectfully requested.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/david r. morris/

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Date: August 20, 2007